

From: Darrell, Ginny (ECY)

Sent: Wednesday, October 03, 2007 3:44 PM

To: Trantum, Shara-Li (ECY)

Subject: FW: Call from Richard Eichstadt re: Spokane Permits and Antideg

Please put this in your Spokane River permit comments files. (This will likely be formalized in the submitted comments.)

- Ginny

From: Braley, Susan (ECY)

Sent: Tuesday, October 02, 2007 7:59 AM

To: Bellatty, James (ECY); Darrell, Ginny (ECY); Baldwin, Karin K. (ECY); Koch, Richard A. (ECY); Bailey, Gary (ECY); Knight, David T. (ERO) (ECY)

Cc: Gildersleeve, Melissa (ECY)

Subject: Call from Richard Eichstadt re: Spokane Permits and Antideg

Hi All—I had a call late yesterday afternoon from Rick Eichstadt, Center for Justice, so I just want to pass on what we talked about (I am including Gary Bailey because I did refer Rick to him for general questions related to how we determine that a pollutant in a discharge is causing problems to the receiving water).

Rick had some questions about how we do a Tier I analysis on a water body and when we trigger a Tier II analysis. I explained that Tier I is what I would call “business as usual”, using our permit program to ensure that existing and designated uses are protected from discharges through control of pollutants into the water. I also explained that Tier I emphasizes the TMDL program that kicks in when a water is not meeting standards. Tier II on the other hand is for when the water quality is better than the pollutant limits being imposed. I told him my quick read of the permit fact sheet (we were looking at the Liberty Bay NPDES) indicated that where a TMDL was not already developed to deal with criteria violations (such as D.O.), it looked like the discharge would not cause a “measurable change” to other constituents in the discharge, such as temperature, pH, and turbidity. He asked how we generally determine that, and I explained that I am not a permit writer, but I believed the information on how to do that would be in the permit writers handbook (I gave him Gary Bailey’s name if questions on that). I told him if he did believe that other pollutant parameters not already TMDL’d would cause a measurable change and thus need a Tier II analysis, he should note that in their comments on the permits.

He seemed most perplexed with how we could allow Liberty Bay and Spokane to increase their discharge, and thus their BOD loading, over a 5 year period in light of the impairment to the River. I suggested that as long as the discharge was being included in the TMDL it was being dealt with, and also tried to emphasize that TMDL implementation does not happen over night, but can take several years to get the infrastructure and controls in place to correct the problem. He also was frustrated with why we would permit the discharge to a higher capacity than the city of Liberty Bay had forecast in their expected growth. I told him I was not a permitter, but from my perspective this was likely an engineering practice, relying on the actual capacity of the facility instead of a projection. He brought up the 0.2 D.O. allowance and EPA’s decision to give it away to Idaho, and their frustration with that.

The call ended by my suggestion that he formalize whatever questions he has on the TMDL and permits to us, so that we can adequately respond...these after all are still in draft.

I am planning to attend the Spokane TMDL meeting tomorrow to help Marcy out with standards and TMDL questions. Will be flying in at 3pm so will probably just head on over. See you soon!

Susan